REMARKS

Claims 1-26 are pending in the present application. Applicant has amended the specification to claim the benefit of U.S. Patent Application Serial No. 08/971,764 filed on November 17, 1997, now U.S. Patent 6,009,413 issued on December 28, 1999, which is a continuation of U.S. Patent Application Serial No. 08/337,097 filed on November 10, 1994, now abandoned. Applicant has amended claims 1, 2, 5-9, 11, 13, 18-22, and 24 to more clearly define the present invention. The Examiner is further respectfully requested to consider and examine the present application in light thereof.

Priority Claim

The present application was filed claiming priority of U.S. Patent Application Serial No. 08/971,764 filed on November 17, 1997, now U.S. Patent 6,009,413 issued on December 28, 1999, which is a continuation of U.S. Patent Application Serial No. 08/337,097 filed on November 10, 1994, now abandoned. Upon receipt of the first Office Action on the merits mailed April 8, 2002, it was discovered that the originally filed specification erroneously omitted the priority claim from the first page of the application. This omission was simply a typographical error and was not intended to be omitted from the final draft of the continuation specification.

While Applicant understands that a claim for domestic priority cannot be made in the Utility transmittal form, attention is drawn to the fact that Box 17 of the transmittal was completed and evidences Applicant's intention to claim priority to U.S. Patent Application Serial No. 08/971,764. See Exhibit "A" attached.

Furthermore, Applicant indicates in Box 4 of the transmittal that a copy of the Oath or Declaration from a prior application is enclosed. Again, this box would not have been completed by Applicant if it had not clearly intended to claim priority to U.S. Patent Application Serial No. 08/971,764. Exhibit "B" is a copy of the original Inventor's Oath and Declaration submitted in the prior application which was enclosed with the present application. But for an error omitting the first paragraph from the final draft of the specification, the priority claim was not noted by the U.S. Patent and Trademark Office.

Applicant has amended the specification (pursuant to 35 U.S.C. § 120 in effect as of the filing date of the present application) to claim the benefit of U.S. Patent Application Serial No. 08/971,764 filed on November 17, 1997, now U.S. Patent 6,009,413 issued on December 28, 1999, which is a continuation of U.S. Patent Application Serial No. 08/337,097 filed on November 10, 1994, now abandoned. Applicant respectfully requests that the Examiner enter this amendment to the specification.

Oath/Declaration

The Examiner has stated the oath or declaration is defective because the signing date predates the filing date by more than four years. In the present application, Applicant intended to claim priority of U.S. Patent Application Serial No. 08/971,764 and filed a copy of the Oath or Declaration from U.S. Patent Application Serial No. 08/971,764, but did not submit an amended specification claiming priority. Applicant has amended the specification to claim the benefit of U.S. Patent Application Serial No. 08/971,764 filed on November 17, 1997, now U.S. Patent 6,009,413 issued on December 28, 1999, which is a continuation of U.S. Patent Application Serial No.

08/337,097 filed on November 10, 1994. Applicant respectfully submits that in view of the amended specification claiming the benefit of U.S. Patent Application Serial No. 08/971,764, the declaration filed with the present application is not defective.

Drawings

The Examiner has stated the drawings should be designated by a legend such as "Prior Art" because U.S. Patent 6,009,413 teaches the drawings. In the present application, Applicant intended to claim the benefit of U.S. Patent Application Serial No. 08/971,764, but did not submit an amended specification claiming priority. Applicant has amended the specification to claim the benefit of U.S. Patent Application Serial No. 08/971,764 filed on November 17, 1997, now U.S. Patent 6,009,413 issued on December 28, 1999, which is a continuation of U.S. Patent Application Serial No. 08/337,097 filed on November 10, 1994. Applicant respectfully submits that in view of the amended specification claiming priority of U.S. Patent Application Serial No. 08/971,764, the drawings are not taught in the prior art and no corrections to the drawings are required.

Double Patenting

The Examiner has rejected claims 1-26 based on the judicially created doctrine of nonstatutory double patenting. Applicant has submitted with this response a terminal disclaimer in compliance with 37 C.F.R. 1.321(c). Applicant respectfully submits that the terminal disclaimer overcomes the Examiner's rejections with respect to nonstatutory double patenting.

Comments under 35 U.S.C. § 102

The Examiner has rejected claims 1, 3, 4, 10, 11, 12, 18, 21, and 26 under 35 U.S.C. § 102(b) as being anticipated by Suzuki. It is the Examiner's position Suzuki teaches an electronic shopping system comprising connections in accordance with different types of connectivity. Applicant has amended claims 1, 2, 5-9, 11, 13, 18-22, and 24 to indicate that connections in accordance with the present invention are established in accordance with different types of network connectivity. In view of the claim amendments, Applicant respectfully traverses the rejections.

Suzuki teaches connections of a plurality of computers to a network host computer. Suzuki teaches connections to a network host computer for the purpose of uploading information from various computers to the network host computer. Suzuki states only that connections are established with modems. No mention of the type of connectivity used to establish the connections is made anywhere in the specification, and there is no suggestion that more than one type of network connectivity is supported by the system. Suzuki does not teach or even suggest that connections may be established in accordance with different types of network connectivity such as TCP/IP and X.25. As a result, the computers that connect to the network host computer are required to connect in accordance with the single type of network connectivity supported by the network host computer.

By contrast, Applicant's invention supports connectivity in accordance with different types of connectivity so that merchants are not required to modify their computer systems in order to communicate with the computer network. Different types of connectivity are supported so that the computer network can communicate with the

merchants' computers and obtain data in real time. The ability to establish connections in accordance with different types of network connectivity results in substantial benefits to merchants who would like to offer their products and services to consumers and to consumers who are able to compare the product and service offerings from many different merchants. Applicant respectfully submits that in view of the amended claims, the Suzuki reference, alone or in combination with any other reference, cannot support the present rejections.

Comments under 35 U.S.C. § 103

The Examiner has rejected claims 2, 14, 15, 22, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Atcheson. The Examiner has further rejected claims 5-8, 16, 17, 20, 24, and 25 under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Wiecha. Applicant has amended claims 1, 2, 5-9, 11, 13, 18-22, and 24 to indicate that connections in accordance with the present invention are established with different types of network connectivity. In view of the claim amendments, Applicant respectfully traverses the rejections.

Applicant respectfully submits, as explained above, that Suzuki does not teach or even suggest that connections may be established in accordance with different types of network connectivity such as TCP/IP and X.25. Applicant respectfully submits, therefore, that the Suzuki reference cannot be combined with the Atcheson or Wiecha references to support the present rejections.

Attached is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made."

In view of the foregoing Amendments and Remarks, Applicant respectfully submits that the claims of the present application are now in condition for allowance and such action is earnestly requested.

Respectfully submitted,

By: Carol G. Stovsky

Carol G. Stovsky
Reg. No. 42,171
Attorney for Applicants
Standley & Gilcrest LLP
495 Metro Place South, Suite 210
Dublin, Ohio 43017
614-792-5555

Date: July 8, 2003

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Application Serial No. 09/334,978

IN THE SPECIFICATION:

Page 1, the following paragraph has been inserted before "BACKGROUND OF THE INVENTION."

This application is a continuation of U.S. Patent Application Serial No. 08/971,764 filed on November 17, 1997, now U.S. Patent 6,009,413 issued on December 28, 1999, which is a continuation of U.S. Patent Application Serial No. 08/337,097 filed on November 10, 1994, now abandoned.

IN THE CLAIMS:

The claims have been amended as follows.

1. (Amended) An electronic shopping system, comprising:

a first network connection between a first merchant computer and a network host computer, said first connection for transmitting product information to said network host computer in accordance with a first type of network connectivity;

a second network connection between a second merchant computer and said network host computer, said second connection for transmitting product information to said network host computer in accordance with a second type of network connectivity;

a database at said network host computer for storing said product information from said first merchant computer and said second merchant computer;

a first computer program at said network host computer for assimilating said product information; and

a third network connection between said network host computer and a customer computer, said third network connection for transmitting said assimilated product information to said customer computer and for transmitting real time updates to said assimilated product information, said real time updates obtained in accordance with said first network connection and said second network connection.

2. (Amended) The system of claim 1, wherein said first network connection and said second network connection further comprises:

a network connection between said first merchant computer and a regional host computer;

a network connection between said second merchant computer and said regional host computer; and

a network connection between said regional host computer and said network host computer, wherein said regional host computer receives said product information from said first merchant computer and said second merchant computer and transmits said product information to said network host computer.

5. (Amended) The system of claim 1 wherein said first network connection comprises a switch in communication with said first merchant computer and said network host computer, said switch adapted to assimilate said product information from said first merchant computer and to transfer said product information to said network host computer.

6. (Amended) The system of claim 5 wherein said first network connection is a packet switch network, Ethernet, or modem connection.

7. (Amended) The system of claim 1 wherein said second network connection comprises a switch in communication with said second merchant computer and said network host computer, said switch adapted to assimilate said product information from said second merchant computer and to transfer said product information to said network host computer.

8. (Amended) The system of claim 7 wherein said second network connection is a packet switch network, Ethernet, or modem connection.

9. (Amended) The system of claim 1 wherein said first type of network connectivity and said second type of network connectivity are selected from the group of TCP/IP, SNA, or X.25 connectivity.

11. (Amended) A method for electronic shopping, comprising the steps of:

transmitting product information from a first merchant computer to a network host computer in accordance with a first type of network connectivity;

transmitting product information from a second merchant computer to said network host computer in accordance with a second type of network connectivity;

storing said product information from said first merchant computer and said second merchant computer in a database;

establishing a network connection between a customer computer and a host computer in communication with said database, said customer computer adapted to display information received from said host computer;

receiving at said host computer a request from said customer computer for product information from said database;

assimilating product information from said database in accordance with said request from said customer computer;

transmitting from said host computer to said customer computer said assimilated product information;

displaying said assimilated product information at said customer computer; and

updating said assimilated product information at said customer computer in response to a request from said customer computer for a real-time update of said assimilated product information with product information from said first merchant computer and said second merchant computer.

13. (Amended) The method of claim 11, wherein said first type of network connectivity and said second type of network connectivity is selected from the group of TCP/IP, SNA, or X.25 connectivity.

18. (Amended) A method for obtaining real time product information comprising the steps of:

establishing a first network connection between a first merchant computer and a network host computer;

transmitting product information from said first merchant computer to said network host computer;

establishing a second network connection between a second merchant computer and said network host computer;

transmitting product information from said second merchant computer to said network host computer;

storing said product information from said first merchant computer and said second merchant computer in a database;

establishing a connection between said network host computer and a customer computer;

receiving a request for product information from said customer computer;

assimilating product information in response to said request from said customer computer;

transmitting said assimilated product information to said customer computer;

displaying said assimilated product information at said customer computer; and

updating said assimilated product information at said customer computer with updated product information from said first merchant computer and said second merchant computer.

19. (Amended) The method of claim 18 wherein the step of establishing said first network connection and said second network connection comprises the step of establishing said first network connection and said second network connection in accordance with connectivity selected from the group of TCP/IP, SNA, or X.25 connectivity.

20. (Amended) The method of claim 18 wherein the step of establishing said first network connection and said second network connection comprises the step of establishing said first network connection and said second network connection in accordance with a packet switch network, Ethernet, or modem connection.

21. (Amended) A real time shopping system comprising:

product information from a plurality of merchant computers;

a plurality of network connections between said plurality of merchant computers and a host computer, said network connections for uploading said product information to said host computer;

a database at said host computer for storing said product information from said plurality of merchant computers;

a computer program at said host computer for assimilating said product information;

a connection between said host computer and a customer computer, said connection for transmitting to said customer computer said assimilated product information;

updates to said assimilated product information, said updates obtained in accordance with said plurality of network connections between said plurality of merchant computers and said host computer; and

a display at said customer computer for presenting said assimilated product information and said updates to said assimilated product information.

22. (Amended) The system of claim 21 further comprising a regional host computer, said regional host computer adapted to facilitate said plurality of network connections between said plurality of merchant computers and said host computer.

24. (Amended) The system of claim 21 further comprising a switch, said switch adapted to facilitate said plurality of network connections between said plurality of merchant computers and said host computer.